



### PANEL 3: Recognition of skills and qualifications and relevant measures

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Chairperson, Excellencies, Ladies and Gentlemen,

Assessment and recognition of foreign qualifications and skills is a very complex issue that highlights the constant tension between two competing aspirations: on the one hand, the migrant workers' aspiration to have their qualifications recognized in the country of destination, so as not to become de-skilled, and, on the other hand, the aspiration by the destination country to ensure consumer protection. The latter may be achieved by putting in place *ad hoc* procedures to ensure that workers coming from abroad are sufficiently qualified to meet the local requirements.

According to the OECD, almost two out of every three migrants have acquired their qualifications abroad, and 26% of “highly educated” migrants are overqualified for the job they hold. The constant increase in human mobility, and the related increase in this kind of tension, means that there is a need to find solutions.

#### Where do we stand today?

Recognition is a precondition for migrant workers to be able to exercise their professions across borders. Different definitions have been adopted in this context. There is academic and professional recognition, which covers elements such as: professional education, professional experience, and formal certification requirements. We can also make a distinction between regulated and non-regulated professions, whether or not practitioners are awarded a specific licence or certificate by a professional body. Recognition can be granted through either a procedure based on the principle of equivalence of foreign qualifications or a procedure based on the principle of harmonization of regulatory systems for recognition.

The recognition process entails several stages: a comparison between the domestic regulations of the countries of origin and destination; identification of possible inconsistencies, and, lastly the adoption of compensatory measures. Then, once the recognition process is agreed, monitoring and assessment mechanisms need to be put in place.

#### Existing approaches and techniques for recognition

In the absence of a global recognition regime, there is a growing network of bilateral and regional instruments according to the information submitted to the World Trade Organization. Recognition of professional qualifications is covered by the WTO General Agreement on Trade in Services (GATS). Article VII of this agreement allows member states to “recognize education or experience obtained, requirements met, or licences or certificates granted” without discrimination. According to a report issued by the Asian Development Bank, up to 2016, 60 notifications had been received in relation to 205 agreements, which involved a total of 24 WTO members.

Mutual recognition has been approached in different ways. One option is “automatic mutual recognition”, as in the case of the Trans-Tasman Mutual Recognition Arrangement between New Zealand and Australia. This is a bilateral agreement that grants automatic recognition for all kinds of qualifications (except for those of medical doctors).



On the other hand, there are also examples of “managed mutual recognition” that allows the country of destination to exercise some degree of discretion. In such cases, recognition of the qualifications of professionals will be less automatic, and additional measures may apply.

Regionally, the member states of ASEAN, for instance, have adopted several mutual recognition arrangements (MRAs) to facilitate the mobility and regional integration of qualified professionals. MRAs cover specific categories of migrant workers: engineers, architects, medical professionals, nurses, dentists, accountants, and workers in the tourism industry. The current implementation of MRAs is promoting national regulatory reviews for the adoption of domestic laws consistent with the overarching regional framework. According to a report recently issued by the Asian Development Bank, twenty-nine domestic laws have so far been enacted following MRAs, and the majority of them are completely new regulations. This shows that bilateral or regional agreements may have a positive, market opening, liberalizing impact on the regulatory development at the national level.

States may also decide to negotiate MRAs within the broader framework of a so-called umbrella agreement, as envisaged by the France-Quebec Accord, which defines key terms and conditions for the mutual recognition procedure to be further negotiated in future MRAs. This could prove a promising way to negotiate new MRAs in the future.

Mutual recognition agreements are important tools although their future relevance risks being affected by several factors. For instance, language is a significant element to be taken into account: national regulations may require foreign professionals to have some knowledge of the local language in the country of destination, or to pass national examinations in the local language, but this requirement cannot go beyond what it is necessary.

Recognition initiatives are not only adopted by State actors: there are also a growing number of sectorial instruments being developed by professional organizations. Examples include the accord adopted by the Assembly of the International Union of Architects on standards for mutual recognition of architectural qualifications and the Washington Accord to recognize engineering education programmes.

### **Thoughts on addressing recognition within the GCM?**

Challenges persist regarding the movement of migrant workers across borders, as highlighted by OECD, not all migrants have access to recognition procedures: eligibility may depend on (1) the migrant’s legal status, (2) “the type of qualifications”, or (3) “the country” in which the qualifications were obtained.

I would like to conclude by emphasizing that the Global Compact on Migration represents an opportunity for us to strengthen international cooperation in this area. States could build on existing principles and standards and open up recognition procedures to all migrants by facilitating a universal standard for the assessment of foreign qualifications and skills.